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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,547	10/21/2005	Stefan Schnatterer	034477-008	4772
	7590 07/01/200 INGERSOLL & ROOI	EXAMINER		
POST OFFICE	BOX 1404	SAEED, KAMAL A		
ALEXANDRIA, VA 22313-1404			ART UNIT	PAPER NUMBER
			1626	
			NOTIFICATION DATE	DELIVERY MODE
			07/01/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

	Application No.	Applicant(s)				
Office Action Commons	10/537,547	SCHNATTERER E	ET AL.			
Office Action Summary	Examiner	Art Unit				
	Kamal A. Saeed	1626				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence ad	dress			
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 16(a). In no event, however, may a reply be tim ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	N. nely filed the mailing date of this co D (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on						
	- action is non-final.					
3) Since this application is in condition for allowan						
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	53 O.G. 213.				
Disposition of Claims						
4)⊠ Claim(s) <u>1-10 and 13-17</u> is/are pending in the a	application.					
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6)☐ Claim(s) is/are rejected.						
7) Claim(s) is/are objected to.						
8)⊠ Claim(s) <u>1-10 and 13-17</u> are subject to restriction	on and/or election requirement.					
Application Papers						
9)☐ The specification is objected to by the Examiner	٠.					
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11)☐ The oath or declaration is objected to by the Exa	aminer. Note the attached Office	Action or form PT	O-152.			
Priority under 35 U.S.C. § 119						
12) ☐ Acknowledgment is made of a claim for foreign a) ☐ All b) ☐ Some * c) ☐ None of:		⊢(d) or (f).				
1. Certified copies of the priority documents						
2. Certified copies of the priority documents	• •	<u> </u>				
3. Copies of the certified copies of the prior	•	ed in this National	Stage			
	application from the International Bureau (PCT Rule 17.2(a)).					
* See the attached detailed Office action for a list of	of the certified copies not receive	d.				
Attachment(s)	_					
1) Notice of References Cited (PTO-892)	4) ☐ Interview Summary Paper No(s)/Mail Da					
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08)	5) Notice of Informal P					
Paper No(s)/Mail Date	6) Other:					

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DETAILED ACTION

Claims 11 and 12 have been cancelled. Therefore, claims 1-10 and 13-17 are currently pending in this application.

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

Lack of Unity Requirement

Claims 14-25 are drawn to more than one inventive concept (as defined by PCT Rule 13), and accordingly, a restriction is required according to the provision of PCT Rule 13.2.

PCT Rule 13.2 states that the international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept (requirement of unity of invention).

PCT Rule 13.2 states that unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features.

Annex B, Part 1(b), provides that "special technical features" mean those technical features, which, as a whole, define a contribution over the prior art.

Annex B, Part 1 (e), provides combinations of different categories of claims and states:

"The method for determining unity of invention under Rule 13 shall be construed as permitting, in particular, the inclusion of any one of the following combinations of claims of different categories in the same international application:

- (i) in addition to an independent claim for a given product, an independent claim for a process specially adapted for the manufacture of the said product, and an independent claim for a use of the said product, or
- (ii) in addition to an independent claim for a given process, an independent claim for an apparatus or means specifically designed for carrying out the said process, or
- (iii) in addition to an independent claim for a given product, an independent claim for a process

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specially adapted for the manufacture of the said product, and an independent claim for an apparatus or means specifically designed for carrying out the said process,..."

This application contains the following inventions or groups of inventions, which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted.

- I. Claims 1-8, 10 and 15 are drawn to a products of Formula I, depicted in claim 1, variously classified in several subclasses of classes 514, 546 and 548.
- II. Claim 9, is drawn to a method of preparing compounds of Formula I, depicted in claim 1, variously classified in several subclasses of classes 546 and 548.
- III. Claim 13, 14, 16 and 17, are drawn to a method use disease of compounds of Formula I, variously classified in several subclasses of classes 514.

The inventions listed as Groups I and III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: they do not share the same essential structural element(s) that define the "special technical feature" necessary to specify a contribution over the prior art.

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The structural moiety common to Groups I and III is

, which is known

in the art (see US 5556873) and therefore, cannot be said the special technical feature, which makes a contribution over the prior art. All other substituents differ structurally from one another. Thus, these claims lack the corresponding special technical feature(s) necessary to link them together to fulfill the Unity of invention requirement.

The inventions of Group I-III are distinct, each from the other, because they differ in structure and/or element so as to be patentably distinct and a prior art reference anticipating but one of the groups would not render obvious the other groups under 35 U.S.C. 103.

The method of use and process of making the compounds will be examined along with the elected invention commensurate in scope therewith.

A telephone call was made to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Telephone Inquiry

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kamal A Saeed whose telephone number is (571) 272-0705. The examiner can normally be reached on M-T 7:00 AM- 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Joseph K. McKane, can be reached at (571) 272-0699.

Communication via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signiture, may be used by applicant and should be addressed to [joseph.mckane@uspto.gov]. All Internet e-mail communications will be made of record in the application file. PTO employees will not communicate with applicant via Internet e-mail where sensitive data will be exchanged or where there exists a possibility that sensitive data could be identified unless there is of record an express waiver of the confidentiality requirements under 35 U.S.C. 122 by the applicant. See the Interim Internet Usage Policy published by the Patent and Trademark Office Official Gazette on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or public PAIR only. For more information about the pair system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

/Kamal A Saeed, Ph.D./

Primary Examiner, Art Unit 1626

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